



# House of Representatives

**File No. 684**

General Assembly

February Session, 2000

**(Reprint of File No. 431)**

Substitute House Bill No. 5023  
As Amended by House  
Amendment Schedule "A"

Approved by the Legislative Commissioner  
April 29, 2000

## ***An Act Concerning Safe Havens.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) Each hospital operating an emergency room shall  
2       designate all members of the emergency room nursing staff as  
3       employees authorized to take physical custody of an infant pursuant to  
4       section 2 of this act. There shall be a designated employee on duty at  
5       each hospital emergency room during regular business hours. There  
6       shall be a designated place inside such hospital emergency room  
7       where physical custody may be taken.

8       Sec. 2. (NEW) (a) An employee designated pursuant to section 1 of  
9       this act shall take physical custody of any infant thirty days or younger  
10      if the parent or lawful agent of the parent voluntarily surrenders  
11      physical custody of the infant to such designated employee unless the  
12      parent or agent clearly expresses an intent to return for the infant.

13      (b) The designated employee may request the parent or agent to  
14      provide the name of the parent or agent and information on the  
15      medical history of the infant and parents. The parent or agent is not

16 required to provide such name or information. The designated  
17 employee may provide the parent or agent with a numbered  
18 identification bracelet to link the parent or agent to the infant. The  
19 bracelet shall be used for identification only and shall not be  
20 construed to authorize the person who possesses the bracelet to take  
21 custody of the infant on demand. The designated employee shall  
22 provide the parent or agent with a pamphlet describing the process  
23 established under this act.

24 Sec. 3. (NEW) (a) Not more than twenty-four hours after taking  
25 physical custody of the infant the designated employee shall notify, in  
26 accordance with the provisions of sections 17a-101a to 17a-101d,  
27 inclusive, of the general statutes, the Department of Children and  
28 Families of such custody.

29 (b) The Commissioner of Children and Families shall assume the  
30 care and control of the infant immediately upon receipt of notice under  
31 subsection (a) of this section and shall take any action authorized  
32 under state law to achieve safety and permanency for the infant.

33 (c) Any infant in the care and control of the commissioner under the  
34 provisions of this section shall be considered to be in the custody of the  
35 department.

36 Sec. 4. (NEW) (a) If a person claiming to be a parent or agent of an  
37 infant left with a designated employee under section 2 of this act  
38 submits a request to the Commissioner of Children and Families for  
39 reunification with the infant, the commissioner may identify, contact  
40 and investigate such person or agent to determine if such reunification  
41 is appropriate or if the parental rights of the parent should be  
42 terminated.

43 (b) Information concerning a parent or agent or infant left with a  
44 designated employee shall be confidential except that notwithstanding  
45 any provision of the general statutes, such employee shall provide to  
46 the Commissioner of Children and Families all medical history  
47 information provided by the parent.

48 (c) Possession of a bracelet linking the parent or agent to an infant  
49 left with a designated employee if parental rights have not been  
50 terminated creates a presumption the parent or person has standing to  
51 participate in a custody hearing for the infant under chapter 319a of  
52 the general statutes and does not create a presumption of maternity,  
53 paternity or custody.

54 Sec. 5. (NEW) The Department of Children and Families, in  
55 consultation with the Attorney General, shall prepare a public  
56 information program about the process established under this act.  
57 Such program shall include distribution to mothers and agents of a  
58 pamphlet that has the following information: (1) An explanation of the  
59 process established by sections 1 to 5, inclusive, of this act; (2) the legal  
60 ramifications and protections for the mother or agent; (3) what will  
61 happen to the infant; (4) how to contact the Department of Children  
62 and Families with questions and the procedures for reunification; (5)  
63 the timelines involved in termination of parental rights and adoption;  
64 and (6) any other relevant information.

65 Sec. 6. Section 53-21 of the general statutes is repealed and the  
66 following is substituted in lieu thereof:

67 (a) Any person who (1) wilfully or unlawfully causes or permits any  
68 child under the age of sixteen years to be placed in such a situation  
69 that the life or limb of such child is endangered, the health of such  
70 child is likely to be injured or the morals of such child are likely to be  
71 impaired, or does any act likely to impair the health or morals of any  
72 such child, or (2) has contact with the intimate parts, as defined in  
73 section 53a-65, of a child under the age of sixteen years or subjects a  
74 child under sixteen years of age to contact with the intimate parts of  
75 such person, in a sexual and indecent manner likely to impair the  
76 health or morals of such child, or (3) permanently transfers the legal or  
77 physical custody of a child under the age of sixteen years to another  
78 person for money or other valuable consideration or acquires or  
79 receives the legal or physical custody of a child under the age of  
80 sixteen years from another person upon payment of money or other

81 valuable consideration to such other person or a third person, except in  
82 connection with an adoption proceeding that complies with the  
83 provisions of chapter 803, shall be guilty of a class C felony.

84 (b) The act of a parent or agent leaving an infant thirty days or  
85 younger with a designated employee pursuant to section 2 of this act  
86 shall not constitute a violation of this section.

87 Sec. 7. Section 53-23 of the general statutes is repealed and the  
88 following is substituted in lieu thereof:

89 (a) Any person having the charge of any child under the age of six  
90 years who exposes [it] such child in any place, with intent wholly to  
91 abandon [it] such child, shall be fined not more than five hundred  
92 dollars and imprisoned not more than five years.

93 (b) The act of a parent or agent leaving an infant thirty days or  
94 younger with a designated employee pursuant to section 2 of this act  
95 shall not constitute a violation of this section.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Minimal Cost, Potential Minimal Savings,  
Potential Minimal Revenue Loss

**Affected Agencies:** Department of Children and Families,  
University of Connecticut Health Center,  
Judicial Department, Office of the Attorney  
General

**Municipal Impact:** None

**Explanation****State Impact:**

The bill requires John Dempsey Hospital at the University of Connecticut Health Center to designate all members of its emergency room nursing staff to take physical custody of newborn babies when voluntarily surrendered by their parent. It specifies procedures that these designated employees must follow which include notifying and turning over custody to the Department of Children and Families (DCF) within 24 hours. This could result in a minimal workload increase to Dempsey Hospital that would be handled by existing staff and within available resources.

The Department of Children and Families and the Office of the Attorney General will incur minimal costs, which can be accommodated within their anticipated budgetary resources, to develop information for distribution to parents and their lawful

agents.

The bill could result in minimal savings to the criminal justice system by limiting the instances in which a person may be charged with risk of injury to or abandonment of a child. It exempts from criminal liability a parent who leaves an infant with a designated employee. The extent to which these individuals are currently charged with these crimes is unknown, but the number is not anticipated to be significant. A minimal reduction in revenues from court-imposed fines may result.

According to court statistics, there were 5,221 offenses of risk of injury to a child and 3 offenses of abandonment of a child in 1999. The sum of \$2,140 was collected in criminal fines related to these offenses. According to Department of Corrections statistics, there were approximately 293 incarcerated persons having risk of injury to a child as their primary charge. No persons were incarcerated for abandonment of a child as their primary charge in 1999.

House "A" eliminates a minimal cost and workload increase to state and local police as the amendment removes a requirement that law enforcement agencies designate employees to take custody of an infant surrendered by a parent(s).

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**OLR Amended Bill Analysis**

sHB 5023 (as amended by House "A")\*

**AN ACT CONCERNING SAFE HAVENS.****SUMMARY:**

This bill exempts a parent of a newborn from criminal liability for abandonment or risk of injury to a minor if he voluntarily leaves a baby with designated hospital staff. A parent can leave a baby anonymously, but the bill permits giving him a numbered bracelet that can serve as identification if, in the future, he wishes to be reunified with the child. The Department of Children and Families (DCF) assumes custody of a baby left under these circumstances. A court must approve a parent's attempt to reunify.

\*House Amendment "A" (1) removes local and state police stations as places where parents can surrender a newborn and authorizes all hospital emergency room nursing staff to take custody, (2) allows designated staff to ask about parents' medical histories, and (3) makes a limited exception for medical histories in the confidentiality of information given at surrender.

EFFECTIVE DATE: October 1, 2000

**SURRENDERING CUSTODY OF A NEWBORN*****Leaving a Newborn***

The bill requires each hospital operating an emergency room to authorize all emergency room nursing staff to take physical custody of babies less than 31 days old if a parent or the parent's lawful agent voluntarily surrenders custody. They must have a designated employee on duty during regular business hours. These employees do not take custody if the parent or agent clearly says he will return for the baby. The hospitals must also designate a location in the emergency room where custody may be taken.

The designated employee can ask the parent or agent for his name or information on the baby's and the parents' medical history, but the person does not have to provide it. Any information the person gives is confidential. But the hospital employee must provide DCF with any medical information a parent provides. The employee can give the parent or agent a numbered bracelet to link the person to the baby. The bracelet serves to identify the individual in case he wishes to seek reunification with the baby. But possessing a bracelet does not entitle the person to take custody of the baby on demand.

The designated employee must give the person leaving the baby a pamphlet explaining (1) the process for voluntary surrender of custody, (2) the legal ramifications and protections for the mother or agent, (3) what will happen to the baby, (4) how to contact DCF about reunification, (5) the timelines for terminating parental rights, and (6) any other relevant information. DCF, in consultation with the Attorney General's Office, must publish the pamphlet as part of a public information program explaining the voluntary surrender process.

### ***Termination of Parental Rights or Reunification***

The employee receiving custody of the baby must report it to DCF within 24 hours following the statutory process for reporting abused children. This process requires a written report within 48 hours of making an oral report and specify that report's contents. Immediately on receiving this notice, DCF must assume care and control of the baby and take any legally authorized action to make him safe and place him in a permanent situation. The bill deems this assumption of care to mean that the baby is in DCF custody. This appears to supercede the requirement, typical in neglect cases, that the Superior Court grant DCF temporary custody. Presumably, DCF must still initiate court action to obtain a finding of neglect, have the child committed to its care and custody, and to terminate the parents' rights.

If someone claiming to be the parent or agent of the parent of an infant left at a police station or hospital asks DCF to be reunited with the infant, the bill permits DCF to identify, contact, and investigate him to determine if reunification is appropriate or if the parent's rights should be terminated.

If parental rights have not already been terminated, the Superior Court

holds a hearing to make the final custody determination. This hearing follows the Superior Court procedure for termination of parental rights. The bill presumes that a person possessing an identification bracelet linking him to the infant has standing in the action. But it does not create a presumption of maternity, paternity, or custody.

## **BACKGROUND**

### ***Risk of Injury to a Minor and Abandonment***

A person is guilty of risk to injury of a minor if he willfully or unlawfully places, or permits the placement of, a child under age 16 in a situation where the child's health or life is likely to be endangered or injured. It is a class C felony punishable by one to 10 years in prison, a fine of up to \$10,000, or both.

A person is guilty of abandoning a child if he leaves the child somewhere with the intention to abandon him. It is punishable by up to five years in prison and a fine of up to \$500.

### ***Process for Determining Custody and Termination of Parental Rights***

Abandoning a child is one ground for determining neglect, and, subsequently for terminating a parent's rights to a child. DCF's policy when an infant under age six months is abandoned is to file simultaneous petitions in Superior Court to give it temporary custody of the child, make a neglect determination, and terminate the parent's rights (TPR).

Within 10 days, the court determines whether to grant temporary custody. If it does, it must then hold a hearing on the neglect and TPR petitions, providing at least 14 days' notice. Where the parents' address is unknown, notice must be published in a newspaper serving the last known address. The hearing must begin within 30 days' after the petition is filed.

### ***Legislative History***

The House referred this bill (File 431) to the Public Safety Committee on April 10, to the Public Health Committee on April 13, and the Human Services Committee on April 18. All reported it favorably,

without change.

## **COMMITTEE ACTION**

### Select Committee on Children

Joint Favorable Substitute Change of Reference

Yea 12      Nay 0

### Judiciary Committee

Joint Favorable Substitute

Yea 40      Nay 0

### Public Safety Committee

Joint Favorable Report

Yea 22      Nay 0

### Public Health Committee

Joint Favorable Report

Yea 22      Nay 0

### Human Services Committee

Joint Favorable Report

Yea 19      Nay 0